G. R. S. [X-5]

Previous references

1919
(Wrong)

File No. 351

Serial Nos. 1 4

Later references

GENERAL AND REVENUE SECRETARIAT

Serial No.

Part B for Cay. 20.

SUBJECT

Claim of one Mashaciah alias Gundappa to Parvati Katte in mam Halkurki Village the property belonging to Sri Vyasarayaru

M 2410 2 27 3 20

D 228 G L—20 000—11 6 20

G. R. S. III-1] 191 9.

GENERAL AND REVENUE SECRETARIAT

(Muzrai)

NOTES.

File No. 351-19

FILE HEADING

Claim of one Madhaniah alias Sundappa to Parvatikatte in Sirsi Halkunke Village of the Nippir Taluk, endowed to Sri Vyasaraja Swami Matt.

From

The Dy Commr, Dharwar Dist,

Rubkari No. C.1261/1778 Dated ~~Same~~ in limit date Received 5-11-19 (with reps)

Diary No. 107] Enclos. 172 Spare Copies — [Serial No 1

BRIEF ABSTRACT OF LETTER.

Reports for reasons stated, that the claim put forward is untenable,

NOTES AND ORDERS.

× A (Orgl. & Secy's Order)

1) In Endt No R 13,946 Dy 27-4-1916, issued from Rev. Secty the petition of Madhaniah alias Sundappa complaining that during Survey Settlement, Parvatikatte resp. W was brought under khanah instead of being registered in his name, was

NOTES—First Sheet.

Serial No.

rejected with the observation that the hak to the katte if any, was one for adjudication in a Civil Court.

2 His review application was subsequently rejected in Govt no 156 Dy 11-6-1906 with the remark that the objection raised concerned the petr and the Inamdar, and that the Govt (in the Rev Dept) would not interfere in the matter.

3 He then applied to Govt in the Inam Dept as representative Inamdar, for relief.

In Rubkari no. 5868 Dy 30th June 1908, the Dy Comm of the Northern Divn, was requested to submit a report on the matter; and the Dy Comm reports in his Rubkari no. 1261/1274 that the claim to Parvatikatte is untenable.

Petr bases his claim to the Katte on the strength of a sale-deed (executed on a plain paper which is unstamped and unregistered) of the year Sarvajith whereby one Channakkere Gowda

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Mis. File No. 351 of 191 6

Serial No.

Sale to Madhaniah, a cocoanut garde
known as Sunna Gindu (சுண்ணாம்புக் கிணறு)
garden behind Ammanakere
for 30 Kandrayi ~~Kal~~ Canara

With reference to this document
it is reported by the Dy. Commr
that the right of the vendor to
the Kattu in question has not been
clearly established, but that if this
Kattu had formed part of the
property sold, it would not have
been mentioned in the deed
that the property sold had
Paravikattu & is not so -

During survey, the kattu was
to settled as Govt. land, and given
an independent survey no; and the
Dy. Commr states that if the petr. ha
any title to the kattu, he might
have established his hak to it
at that time, but there is
nothing to indicate that he did so

In 1904, when the petr applie
to the Taluk authorities for
permission to open a sluice in the kattu
there was opposition from a sectio
of the villagers questioning the

NOTE—Contn sheet.

Serial No.

petr's right to it, and the Dy. Commr states that there was no necessity then to apply for any permission if the petr had any right to the proposed

9. Besides there is a public road on the katte on which the carts move, and the villagers are reported to make use of the road from time immemorial. The cattle of the village drink water in the katte.

10 For the foregoing reasons, the Dy. Commr thinks that the petn there is no reason to believe that the petr has any right to the katte in question.

Os the Vyasaraja Swami mutt to which the inam village is endowed, is under the direct management of the Muz. Supdt, may his opinion also be called for before final orders are passed in the case?

Submitted
[illegible]
18.11.25

11. Mr. Narasimha is a Hindu

G. R. S. III-2]

General and Revenue Secretariat. | Hur File No. 357 of 1919

Serial No.

In any view of the matter, ~~what~~ Jinnadappa could have had no personal claim to the Katte if the Katte was really included in the Inam granted to the matt.

13 He tried to get a personal right established & having failed, invoked the interference of the Inam Dept urging that the matt's interests were involved.

14 The original file of 1906 is said to have been destroyed. It is too late. to reconsider the order of the Govt. passed in 1906 — thro' the Rev Dept.

15 So far as Jinnadappa's petition is concerned, it does not seem to be worth a reference to Govt, for the opinion of the Inam Dept. A reply may be made to the Revenue Dept of the exact facts about the Katte & the settlement thereof as ascertained locally —

the strength of a document

If. Reply is forwarded to Revenue Supdt's Cir. No. 12619/2207 7-9-16 in the file (7L-S1).

Note—Contn sheet.

C. 9-12 [illegible]

G. R. S. III-2]

General and Revenue Secretariat. | Mis. File No. 351 of 1919

Serial No.

The Rubber Form of Conveyance was introduced and the present case for Dr. is only a reply to a Rubbari sent in 1908.

Anyway, it may be. part a step to - The

The records may be returned to the Dr for re-submission with a full & detailed report of the facts. of the case & his own opinion & recommendation in the matter.

(A)

24.1.20

(Sd) Illegible 24/1/20

2840
26/4/20

(A) This may be done

27/1 4/27/11

27.1.20

DO. Submitted
25.1.20 27/1/20

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 35 of 191

Serial No. 2

From the Dy Comr Nagaon
No. 2370 dt 6-2-20.

Requests that a full report in the matter of the case with his own opinion & recommendations may be subd in English.

From, the Dy. Commr, Jamdaw Dist
Letter no 6 C 936 dt 4.2.
Requests the return of his D.O. letter
Kuikai dt 9-7-1919.

DO returning is submd for appl

M 11 2 20 Dme. 11.2.20 / Mlk 26/2/20

Please note Mr Clerke
the draft "Reply" for "Remember"
& "Welfare-worker"
for "welfare-worker"
in the memo carefully

Allk 26/2/20

2. From Dmaw no 2761 dt 8 3 20
Returns the Enclosure

From, the Dy. Commr, Jamdaw
Dist, letter no. 936 dt 19.4.20.

Submits a detailed report in English, and states that there does not seem to be any reason to consider the Pawah Katta as belonging to the petr. and the petition may therefore be rejected.

The Dy. Comm's present

NOTE—Contn sheet.

G. R. S. III-2]

General and Revenue Secretariat. File No. 357 of 1919

Serial No.

report and the previous pages of the office-note so fully into the facts of the case.

Submitted for orders

[illegible] 5.5.20

The Dy Comr's Exhaustive report fully & very cogent reasons for [illegible] accidently that the Katte Kharaf belongs to Govt & not to the Petrs & for rejecting her Petn - Appeal & that Kharaf may be granted according to the appellant.

BG 6/5/20

Jpes.

Secd Member 11/5/20

6960-168 11.5.20.

A. approves. It does not appear to me that the Petitioner has succeeded in making out any case at all.

Peel 13.5.20

a V 1575

Submitted.

[illegible] 15.5.20 BG 1575

[illegible] 18/5

[illegible]

Hon'ble

25/5/20

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 351 of 1919.

Serial No.	
4.	To, Madhavrao alias Irudappa of Halkurki No. 4102 dt. 31. 5. 1920. Reject his claim to Parvatikatte in Inam Halkurki village Dhpur Dt No. 4103 — Copy to Dt. Inamdar.

NOTE—Contn. sheet.

101

19.20

Circle

351-19-1

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

Date of issue 6.2.20

Signed by J.L Jayarama Aiyar Dy/t

Section
File No.
Serial No.

No. 2370 Encl two fols

To

The Dy. Commr,
Tumkur Dist,

Sir,

Adverting to your Rubkar no 1261 Dy 9th July 1919 reporting on the claim of one Madhaniah alias Gundappa to Parvatikatte in viam Halkunki Village of the Tiptur Taluk endowed to the Vyasaraya Swami matt, I am directed to ~~take~~ return ~~re-transmit herewith~~ ~~the term records for~~ request that a full Report of the facts of the case with your own opinion & recommendation on the matter may be submitted in English & in duplicate.

over.

Submit with a full and detailed
account in English of the
facts of the case and your
own opinion and recommendation
in the matter

I have etc

(Sgd) H. Scott Gray,
Asst. Mus. Dept.
29.1.20

the Asst to have finished
Order thereon.
Ver
2/ The Records are
herewith returned

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15 11 16

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

Section Jaffna

File No. 351/1

Serial No. 3

GENERAL AND REVENUE SECRETARIAT,

( )

, *the* 191 .

No. 2761 Encl

Date of issue 8-3-20

Signed by Mr A Mahadevajayakar

To

The Mg. Comr,

Jaffna

Sir,

As requested in your letter no C.C. 936 dy 14-2-920, I am directed to return herewith ~~Kanagaratna~~ Rubkani no. mis. c. 1261/17-18 of your office dated 16th July 1918 re Parawakkatte ai Halkuduki,

I have &c.

for Secy,

Rev Mis Depn

24/2/20

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11-16

DIARY No. 2152

19/9/19 20
SECTION Misc
FILE No. 351-19
3(a)

2039

19 19-20.

From

The Offg. Deputy Commissioner,
Dakshina Kannada District, Mangalore.

To

The Joint Secretary to the Govt.
H.E.H. the Maharaja of Mysore,
Huzur Secretariat, Bangalore

Dated 19th April 1920.

Despatched

Received

General No. OC 936 of 19-20
No.

Enclosure No. Two files

Submitting report regarding the claim of one Madaval alias Gundappa of Halburike to "Parvatikatte" in Inna Halburike village.

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur, the 19th April 1920.

From

Ananda Rao Sirsi, Esq., B.A., LL.B.,

Offg. Deputy Commissioner, Tumkur District.

To

T.P. Jayarama Iyer, Esq., B.A., B.L.,

Joint Secretary to the Government of

His Highness the Maharaja of Mysore,

Muzrai Department, Bangalore.

Sir,

With reference to your letter No. 2370/Muz.351-19-2 dated 6th February 1920 calling for a full report regarding the claim of one Madhavaiya alias Gundappa of Halkurike to "Parvati Katte" in Inam Halkurike village endowed to Sri Vyasaraja Swami Matt, I have the honour to state as follows:-

1. Madhavaiya alias Gundappa applied to the Amildar, Tiptur on 7th May 1904 for permission to open a sluice to his "Katte" at his own cost.

2. The villagers in the Mahazar drawn up before the Shekdar consented for permission being granted for opening the sluice on the following conditions:-

(1) That gokatte should belong to Government and should not be made his (petitioner's) hakdari.

(2) There should be no obstacle to the cart track on the bund of the katte.

(3) There should be no hindrance for the cattle to drink water in the katte.

objection should be raised for taking earth from

and (5) No damage to be caused to the bund.

3. Gundappa did not like to abide by these conditions, and stated before the Amildar on 12th July 1904 that the katte belonged to him and that he was not preventing people using the foot path nor did he prevent cattle from drinking water in the katte. He further stated that his ancestors had purchased the land 78 years ago and as the katte was in his enjoyment, there was no new right to be created.

4. Thereupon the Amildar granted permission on 12th July 1904 for opening the sluice on the ground that the katte seemed to belong to Gundappa, that though there were two parties in the village, neither of them was against the opening of the sluice, but only one party was against transferring the hak of the katte to Gundappa. While he had already that hak and had been exercising the same now and then, there was no need for depriving him of that hak. (Order No. 23 dated 14th July 1904 to the Shekdar).

5. Meanwhile there was a petition addressed to the Amildar on 25th June 1904, from certain villagers of Walkurike, alleging that permission should not be granted to Gundappa for opening the sluice, as he wanted to establish his right over the katte and this petition does not seem to have been given due consideration by the Amildar.

6. Subsequently Gundappa petitioned the Amildar on 27th March 1905 praying for the katte in question being included in the revenue accounts as belonging to him. The Shekdar to whom the petition was referred, reported that in the pahani accounts, No. 370 has been given for Government ಸರ್ಕಾರಿ (Gomal Parvati Katte) and that no order had been received to enter this katte in the petitioner's name. The Amildar noted upon this that there was no reason to make any change in the accounts and katte's hakdari however continued to Gundappa.

7. Gundappa then applied to the Sub Assistant Superintendent of Revenue Survey on 23rd July 1905 praying for the katte being caused to be entered in the accounts as belonging to him. The

The latter issued an endorsement that from enquiries it was found that the katte was a kharab gokatte and that the same had been noted also in the village accounts and as such, the katte was treated as kharab only in the Survey Accounts also.

This was also communicated to the Amildar by him in his yadi No. 45 dated 25th November 1905 .

8. On the endorsement granted by the Sub Assistant Superintendent of Revenue Survey, Gundappa appealed to the Survey and Settlement Commissioner on 14th November 1905 who informed the petitioner that the endorsement issued by the Sub Assistant Superintendent was all right.

9. Against the above order, the petitioner applied to Government and an endorsement No. 13946/363-05-4 dated 27th April 1906 was granted that if there existed any right of his, he might establish the same in a Civil Court.

10. Gundappa petitioned the Government again for reconsideration of their previous order after perusal of sale deed and other papers produced by him and received an endorsement No. 1568/363-05-6 dated 11th June 1906 to the effect that the takrar was one between the petitioner and the Inamdars and Government would not therefore interfere.

11. Upon the ground of the Inam Village being under Government management, Gundappa ultimately applied to the Government in the Muzrai Department on 28th April 1908 who issued rubkari to the Deputy Commissioner in their No. 4362 dated 30th April 1908 enquiring if it was a fact that Gundappa was the Vakdar of the katte, and what objection was there to make a remark that the gokatte was of petitioner's anubhava.

12. This was referred to the Gubbi Sub Division Officer. (Yadi 22 dated 8/10th July 1908) who after ascertaining from the Amildar rt No. 1053 dated 18th June 1909) that the katte was stated as nme t kharab "Gokatte" and after his personal inspection has

has reported to this office (in his Yadi No. 1168 dated 6th May 1919 that this katte belongs to Government and the petitioner had no hak over it.

He has further reported that the granting of permission by the Amildar to open the sluice was not sound and as there is a mamool cart track on the katte and as cattle are drinking water therein even now, orders might be issued for the closing of the sluice, affording thereby greater facility to the people and cattle.

13. Taking all these facts into consideration, I am of opinion that it is quite evident that this katte belongs to Government and does not belong to petitioner Gundappa.

It is not proved that the persons who sold the land to the petitioner's ancestors had any right over the katte. Further, in the sale deed, a copy of which is produced by the appellant himself, the katte under dispute called Parvatikatte is stated to be a boundary to the land sold and quite outside it. As such, his belated claim to it is unfounded. Though one party in the village suported the claim, the other party has persistently opposed it. In these circumstances, the documentary evidence should prevail and it -- negatives the claim. The Amildar's action in granting permission to open a sluice is against the weight of evidence and ultravires.

There exists a cart track on the bund of the katte and the same is being used by the public from a very long time.

14. There does not seem to be any reason to consider the Parvati katte as belonging to the petitioner and his petition may therefore be rejected.

The entire records together with this office No. Mis. C. 1261/17-18 dated 9th July 1919 are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

Asst. Deputy Commissioner,
Offg. Deputy Commissioner,
Tumkur District.

D.W.

G. R. S. VI—G/32]

SUBJECT... Regrets the claim of Madhavrao alias Gundappa to Parvatikatte in inam Halkurki village Hubli Taluk

Diary No. of letter replied to... 2152

Section

File No. 357

Serial No. 4 1919

GENERAL AND REVENUE SECRETARIAT

( )

the 191 .

No. 4102 Inam Sec.

Date of issue... 31.5.20

Signed by... Mr. A. M. Lyon

To

ಹುಬ್ಬಳ್ಳಿ ತಾಲ್ಲೂಕಿನ ಹಳ್ಳೂರ ಗ್ರಾಮದ
ಪಾರ್ವತಿಕಟ್ಟೆ ಇನಾಮ ಹಳ್ಳಿಯ ಮಾಧವರಾವ
ಅಲಿಯಾಸ ಗುಂಡಪ್ಪನ ಹಕ್ಕಿನ ಬಗ್ಗೆ

ಸದರಿ ಗ್ರಾಮದ ಇನಾಮದಾರರಾದ
ಪಾರ್ವತಿಬಾಯಿಯವರು ತಮ್ಮ ಅರ್ಜಿಯಲ್ಲಿ
ಅಳಿಯ ಮಾಧವರಾವ ಅಲಿಯಾಸ ಗುಂಡಪ್ಪನ
ಹಕ್ಕಿನ ಬಗ್ಗೆ ಕೋರಿದ್ದ 1496
12-9-06 ನೇ ನಂಬರಿನ ಅರ್ಜಿಯ
ಬಗ್ಗೆ ಆಯುಕ್ತರವರು ತಮಗೆ ಕಳುಹಿಸಿದ
ನಿರ್ಣಯವನ್ನು ತಿಳಿಸಲಾಗಿದೆ.

ಸದರಿ ಹಳ್ಳಿಯನ್ನು ನೀವು ಕೈಬಿಡಬೇಕು

over.

[illegible]

[illegible]

[illegible]